

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: COMPLAINT INFORMATION INDICTMENT SUPERSEDING

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OFFENSE CHARGEDTitle 15, United States Code,
Section 1 (Price Fixing)

- Petty
 Minor
 Misdemeanor
 Felony

PENALTY: See Attachment

CR 09

1166 CRB

DEFENDANT**DEFENDANT - U.S.**

CHI MEI OPTOELECTRONICS

DISTRICT COURT NUMBER

EP

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Federal Bureau of Investigation

 person is awaiting trial in another Federal or State Court,
give name of court this person/proceeding is transferred from another district
per (circle one) FRCrp 20, 21, or 40. Show District this is a reprocution of
charges previously dismissed
which were dismissed on motion
of: U.S. ATTORNEY DEFENSESHOW
DOCKET NO. this prosecution relates to a
pending case involving this same
defendantMAGISTRATE
CASE NO. prior proceedings or appearance(s)
before U.S. Magistrate regarding this
defendant were recorded underName and Office of Person Niall E. Lynch, Assistant Chief
Furnishing Information on this form USDOJ, Antitrust Division U.S. Attorney Other U.S. AgencyName of Assistant U.S.
Attorney (if assigned)

Joseph P. Russoniello

 This report amends AO 257 previously submitted**PROCESS:** SUMMONS NO PROCESS* WARRANT

Bail Amount: _____

If Summons, complete following:

 Arraignment Initial Appearance* Where defendant previously apprehended on complaint, no new summons or
warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: _____ Before Judge: _____

Comments:

PENALTY SHEET

Company: CHI MEI OPTOELECTRONICS

Maximum Penalties: (For Each Count):

1. A fine in an amount equal to the largest of:
 - A. \$100 Million.
 - B. Twice the gross pecuniary gain derived from the crime.
 - C. Twice the gross pecuniary loss caused to the victims of the crime.
2. A term probation of at least one year but not more than five years.
3. \$400 special assessment for each count.
4. Restitution.

1 NIALL E. LYNCH (State Bar No. 157959)
2 MICHAEL L. SCOTT (State Bar No. 165452)
3 ALEXANDRA J. SHEPARD (State Bar No. 205143)
HEATHER S. TEWKSURY (State Bar No. 222202)
5 DAVID J. WARD (State Bar No. 239504)
Antitrust Division
U.S. Department of Justice
450 Golden Gate Avenue
Box 36046, Room 10-0101
San Francisco, CA 94102
Telephone: (415) 436-6660

7 Attorneys for the United States

E-filing

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 SAN FRANCISCO DIVISION

11 UNITED STATES OF AMERICA

13 v.

15 CHI MEI OPTOELECTRONICS,

16 Defendant.

CK09 Case No. CR 1166 CRB

INFORMATION

VIOLATION:
Title 15, United States Code,
Section 1 (Price Fixing)

San Francisco Venue

20 The United States of America, acting through its attorneys, charges:

21 I.

22 DESCRIPTION OF THE OFFENSE

23 1. CHI MEI OPTOELECTRONICS ("defendant") is made defendant on the charge
24 stated below.

25 2. From on or about September 14, 2001 to on or about December 1, 2006,
26 defendant and its coconspirators entered into and engaged in a combination and conspiracy in the
27 United States and elsewhere to suppress and eliminate competition by fixing the prices of thin-
28 film transistor liquid crystal display panels ("TFT-LCD"). The combination and conspiracy

INFORMATION - CHI MEI - PAGE 1

engaged in by the defendant and its coconspirators was in unreasonable restraint of interstate and foreign trade and commerce in violation of Section 1 of the Sherman Act (15 U.S.C. § 1).

3 3. The charged combination and conspiracy consisted of a continuing agreement,
4 understanding, and concert of action among the defendant and its coconspirators, the substantial
5 terms of which were to agree to fix the prices of TFT-LCD.

6 4. For the purpose of forming and carrying out the charged combination and
7 conspiracy, the defendant and its coconspirators did those things that they combined and
8 conspired to do, including, among other things:

- (a) participating in meetings, conversations, and communications in Taiwan, Korea, and the United States to discuss the prices of TFT-LCD;
 - (b) agreeing, during those meetings, conversations, and communications, to charge prices of TFT-LCD at certain predetermined levels;
 - (c) issuing price quotations in accordance with the agreements reached; and
 - (d) exchanging information on sales of TFT-LCD, for the purpose of monitoring and enforcing adherence to the agreed-upon prices.

DEFENDANTS AND COCONSPIRATORS

18 5. CHI MEI OPTOELECTRONICS is a corporation organized and existing under
19 the laws of Taiwan, Republic of China. During the period covered by this Information, CHI MEI
20 OPTOELECTRONICS engaged in the business of producing and selling TFT-LCD to customers
21 in the United States and elsewhere.

22 6. Various corporations and individuals, not made defendants in this Information,
23 participated as coconspirators in the offense charged in this Information and performed acts and
24 made statements in furtherance of it.

25 7. Whenever in this Information reference is made to any act, deed, or transaction of
26 any corporation, the allegation means that the corporation engaged in the act, deed, or transaction
27 by or through its officers, directors, employees, agents, or other representatives while they were
28 actively engaged in the management, direction, control, or transaction of its business or affairs.

1 III.
2

TRADE AND COMMERCE

3 8. TFT-LCD are glass panels composed of an array of tiny pixels that are
4 electronically manipulated in order to display images. TFT-LCD are manufactured in a broad
5 range of sizes and specifications for use in televisions, notebook computers, desktop monitors,
6 mobile devices, and other applications.

7 9. During the period covered by this Information, the defendant and its
8 coconspirators sold and distributed TFT-LCD in a continuous and uninterrupted flow of
9 interstate and foreign trade and commerce to customers located in states or countries other than
10 the states or countries in which the defendant and its coconspirators produced TFT-LCD.

11 10. The business activities of the defendant and its coconspirators that are the subject
12 of this Information were within the flow of, and substantially affected, interstate and foreign
13 trade and commerce.

14 IV.
15

JURISDICTION AND VENUE

16 11. The combination and conspiracy charged in this Information was carried out, in
17 part, in the Northern District of California, within the five years preceding the filing of this
18 Information.

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

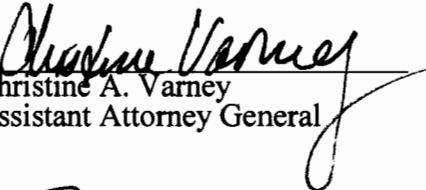
25 ///

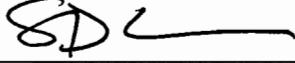
26 ///

27 ///

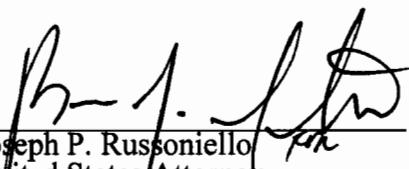
28 ///

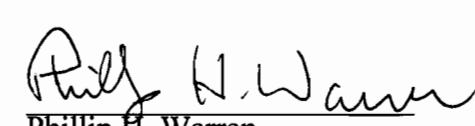
1 ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

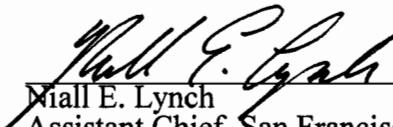
2 
3 Christine A. Varney
4 Assistant Attorney General

5 
6 Scott D. Hammond
7 Deputy Assistant Attorney General

8 
9 Marc Siegel
10 Director of Criminal Enforcement
11 United States Department of Justice
12 Antitrust Division

13 
14 Joseph P. Russionello
15 United States Attorney
16 Northern District of California

17 
18 Phillip H. Warren
19 Chief, San Francisco Office

20 
21 Niall E. Lynch
22 Assistant Chief, San Francisco Office

23 
24 Alexandra J. Shepard
25 Michael L. Scott
26 Heather S. Tewksbury
27 David J. Ward
28 Attorneys

29 U.S. Department of Justice
30 Antitrust Division
31 450 Golden Gate Avenue
32 Box 36046, Room 10-0101
33 San Francisco, CA 94102
34 (415) 436-6660